

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Innis, LA Post Office
Innis, Louisiana

Docket No. A2011-34

PUBLIC REPRESENTATIVE COMMENTS
(September 2, 2011)

On July 26, 2011, the Commission received an appeal letter from Larry Rabalais objecting to the closing of the post office in Innis, Louisiana, and its replacement with a community post office. The letter was filed online.¹ On July 29, 2011, the Commission issued Order No. 782 accepting the appeal, directing the Postal Service to file the administrative record by August 10, 2011, establishing a procedural schedule, and naming the undersigned Public Representative.² On August 10, 2011, the Postal Service filed the administrative record. On August 12, 2011, the Postal Service filed a corrected administrative record.

On August 4, 2011, the Commission received a letter from Michelle D. Oubre objecting to the closing of the Innis post office. On August 1 and 8, 2011, the Commission received letters from Donald E. Fetzer objecting to the closing of the Innis post office. On August 5, 2011, the Commission received a letter from Claudius James objecting to the closing of the Innis post office. On August 10, 2011, the Commission received letters from Ana Block, Doree Block, and Daniel Daigrepoint objecting to the closing of the Innis post office. On August 15, 2011, the Commission received a letter from Suzanne Johnson objecting to the closing of the Innis post office. On August 16, 2011, the Commission received a letter from Theresa P. Flint objecting to the closing of the Innis post office. On August 23, 2011, the Commission received a letter from Quida Humphreys objecting to the

¹ Notice of Filing under 39 U.S.C. § 404(d), July 27, 2011.

² Notice and Order Accepting Appeal and Establishing Procedural Schedule, July 27, 2011.

closing of the Innis post office. On August 25, 2011, the Commission received numerous handwritten letters objecting to the closing of the Innis post office. On September 1, 2011, the Commission received a letter from Wilda Ramsey objecting to the closing of the Innis post office.

The Postal Service states that it will provide service to the Innis community via a community post office.³ However, in letters to customers who raised concerns in response to questionnaires, the Postal Service only refers to service provided by rural carrier. AR, item 22, at 1-29. There is no mention of a community post office in these letters. The Postal Service also estimates zero cost for replacement service, which suggests neither rural carrier nor CPO service will be provided. AR, item 33, at 7.

Petitioner and interveners raise the following issues:

- The Postal Service failed to consider a more profitable rearrangement of post offices;⁴
- The closing will impose a hardship on senior citizens;⁵
- The Postal Service did not take into account the added cost of a CPO;⁶
- Innis is a growing village and is centrally located in the parish;⁷
- Travelling to Batchelor is very hazardous due to heavy truck traffic.⁸

Legal considerations. Under 39 U.S.C. section 404(d)(2)(A), in making a determination on whether to close a post office, the Postal Service must consider the following factors: the effect on the community; whether a maximum degree of effective and regular postal service will be provided; the effect on postal employees; and the economic savings to the Postal Service. The issues raised by petitioner and interveners fall under the categories of effect on the community and economic savings. The Commission is

³ Administrative record (AR), item 21 ("Briefly, we would like to provide pickup and delivery of your mail, as well as the sale of stamps and all other customary postal services, by community post office emanating from the Batchelor Post Office.")

⁴ E.g., Donald E. Fetzer Comments, August 8, 2011.

⁵ E.g., Gretchen Flint Comments, file Letters-A2011-34_001.pdf, August 25, 2011, at 9.

⁶ Petition for Review, July 26, 2011, at 7.

⁷ Michelle D. Oubre Comments, August 4, 2011.

⁸ Petitioner's Brief, Exhibit A, August 29, 2011, at 2.

empowered by section 404(d)(5) to set aside any determination, findings, and conclusions of the Postal Service that it finds to be: (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (B) without observance of procedure required by law; or (C) unsupported by substantial evidence in the record. Should the Commission set aside any such determination, findings, or conclusions, it may remand the entire matter to the Postal Service for further consideration. Section 404(d)(5) does not, however, authorize the Commission to modify the Postal Service's determination by substituting its judgment for that of the Postal Service.

Arbitrary agency action. “[A]n agency's refusal to consider evidence bearing on the issue before it constitutes arbitrary agency action”⁹ The Postal Service has failed to consider evidence addressing the effect on the community and the economic savings of closing the Innis post office. As the e-mails in Appendix E of petitioner's brief demonstrate, the Postal Service received petitioner's proposal to merge three post offices into one at Innis well before the end of the comment period.¹⁰ Indeed, the Postal Service received petitioner's proposal well before the posting of the proposal to close the Innis post office. But neither the proposal to close (AR, item 33) nor the final determination (AR, item 47) gives any indication that the Postal Service gave any consideration to petitioner's proposal. The only discussion remotely related to petitioner's proposal is the following:

Concern: Customers asked why their post office was being discontinued while others were retained

Response: The customer asked why the suspended post office was being discontinued while others were retained. Post offices are reviewed on a case-by-case basis. When there is a vacancy in a small office, it is customary to conduct a study of the business activity and investigate the feasibility of providing service by alternate means. (AR, item 47, at 2.)

⁹ *Butte County v. Hogen*, 613 F.3d 190, 194 (D.C. Cir. 2010).

¹⁰ See AR, item 32 (Comment period ran from March 30 to May 31, 2011.); email from Larry Rabalais to Alfred G. Christophe, January 31, 2011, (transmitting correspondence related to petitioner's alternative plan).

Leaving aside the fact that the Innis post office is not suspended, *all* of the post offices that petitioner asks be merged into one have no postmaster.¹¹ Thus, the response does not provide an explanation for ignoring petitioner's proposal.

Effective and regular service. The Postal Service has determined to close the only post office in the Innis community. It apparently won't be providing any service to the current boxholders at Innis. Although the Postal Service states that it will provide service to Innis via CPO,¹² it has not included any cost for a CPO in its estimate of economic savings.¹³ Although some of its responses to customer concerns assume that rural carrier service will be provided to boxholders at Innis,¹⁴ the Postal Service does not account for such service in its estimate of economic savings.¹⁵ One is left with the impression that no service of any kind will be provided to Innis boxholders.

The final determination to close the Innis post office contains contradictory statements about how the Postal Service will serve boxholders at Innis. The Postal Service has not reconciled the contradictions. The Postal Service has also failed to address petitioner's proposal to merge three offices. Accordingly, the Commission should return the final determination to the Postal Service so that the Service can resolve contradictions and analyze petitioner's proposal.

Respectfully submitted,

Emmett Rand Costich
Public Representative

¹¹ Petitioner's Brief, Exhibit A, letter from Larry Rabalais to Gernarda Bailey, January 27, 2011,

¹² AR, item 47, at 2.

¹³ AR, item 21, at 1.

¹⁴ AR, item 22, at 14.

¹⁵ AR, item 17, at 2.

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